

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

October 16, 2006

C045690 THE PEOPLE v. LE et al. (Not for Publication)

As to Le, the judgment is reversed. Because the judgment is reversed due to prosecutorial misconduct, the clerk of the court is directed to forward a copy of this opinion to the State Bar pursuant to Business and Professions Code section 6086.7 and to notify the prosecutor, Michael Freeman, of the referral.

As to Keomanivong and Ek, the judgments are modified... As modified, the judgments are affirmed. The trial court is directed to prepare amended abstracts of judgment as to Keomanivong and Ek showing the above corrections and to forward these amended abstracts of judgment to the Department of Corrections and Rehabilitation.

MORRISON, J.

We Concur: Raye, Acting P.J.
 Hull, J.

C052096 THE PEOPLE v. HOBDY (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Nicholson, Acting P.J.
 Cantil-Sakauye, J.

October 17, 2006

At 9:28 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Hull, Associate Justice; Cantil-Sakauye, Associate Justice; and Ellis, bailiff.

C050530 PETERSON v. DEIN

Cause called. Arthur D. Peterson argued In Pro Per as appellant. Christian Koster argued for respondent. Cause submitted.

At 10:01 a.m. , the court recessed. At 10:02 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C052149 KURTZ et al. v. SAMUELSON et al.

Cause called. Joseph J. De Hope, Jr. argued for appellants. Carlos K. Poza argued for respondents. Cause submitted.

At 10:30 a.m., the court recessed. At 10:37 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

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October 17, 2006, continued

**C049650 STANDARD REGISTER COMPANY v. STATE OF CALIFORNIA, etc., et al.
and SICPA PRODUCT SECURITY**

Cause called. Jennifer L. Dauer argued for appellant. Jack S. Yeh argued for real party in interest. Geoffrey L. Graybill, Deputy Attorney General, argued for respondents. Cause submitted.

At 11:00 a.m., the court recessed. At 11:04 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C049205 THE PEOPLE v. GARCIA

Cause called. Patricia J. Ulibarri, court appointed counsel, argued for appellant. Brook A Bennigson, Deputy Attorney General, argued for respondent. Cause submitted.

At 12: 04 p.m., the court recessed. At 12:06 p.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C050520 HALL-MARK SERVICES, INC. v. HARRIS & ASSOCIATES, INC.

Cause called. David W. Lively argued for appellant. Derek C. Decker argued for appellant. Cause submitted.

At 12:31 p.m., the court recessed. At 1:59 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Hull, Associate Justice.

C050931 BRAMLETTE v. WILBUR

Cause called. Scott Wilbur argued In Pro Per as appellant. William Bramlette argued In Pro Per as respondent. Cause submitted.

At 2:20 p.m., the court recessed. At 2:26 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C049931 THE PEOPLE v. SMART et al.

Cause called. Robert Derham, court appointed counsel, argued for appellant, Smart. Athena Shudde, court appointed counsel, argued for appellant, Calhoun. Catherine G. Tennant, Deputy Attorney General, argued for respondent. Cause submitted.

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October 17, 2006, continued

At 3:17 p.m., the court recessed. At 3:22 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C050204 CONNERLY v. SCHWARZENEGGER, as Governor, etc., et al.

Cause called. Michelle Mitchell, Deputy Attorney General, argued for appellants. Paul J. Beard argued and John H. Findley appeared only for respondent. Cause submitted.

At 4:40 p.m., the court recessed. At 4:41 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C049368 McWHERTER v. KEHRIG

Cause called. Alan M. Laskin argued for appellant. Nina E. Scholtz argued for respondent. Cause submitted.

At 4:59 p.m., the court recessed until 9:30 a.m., Wednesday, October 18, 2006.

C052402 THE PEOPLE v. DAWSON (Not for Publication)

The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.

C050393 ROGERS v. DEPARTMENT OF MOTOR VEHICLES (Not for Publication)

The judgment is affirmed. The Department of Motor Vehicles is awarded its costs on appeal. (Cal. Rules of Court, rule 27, subd. (a).)
BLEASE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakaue, J.

October 18, 2006

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Raye, Associate Justice; Hull, Associate Justice; and Guzman, bailiff.

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C050552 BROWNING et al. v. DUNMORE DEVELOPMENT COMPANY
C050945 ARNDT et al. v. FEATHER RIVER CONSTRUCTION & DEVELOPMENT
COMPANY

Cause called Carlos V. Yguico argued for appellants. Glen A. Van Dyke argued for respondents. Cause submitted.

At 10:10 a.m., the court recessed. At 10:16 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C052528 TEMPLETON DEVELOPMENT CORPORATION et al. v. THE SUPERIOR
COURT OF SACRAMENTO COUNTRY and DICK EMARD ELECTRIC, INC.

Cause called. Thomas G. Trost argued for petitioners. Jeffrey D. Christiansen argued for real party in interest. Cause submitted.

At 10:44 a.m. the court recessed. At 10:48 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C047912 THE PEOPLE v. ATHERTON

Cause called. Eric Weaver, court appointed counsel, argued for appellant. Brook A. Bennigson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:58 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Butz, Associate Justice.

C051070 BRUTMAN v. UNION BANK OF CALIFORNIA, N.A., et al.

Cause called. Anthony J. Sperber argued and Karen M. Berntson appeared only for appellant. James S. Link argued for respondents. Cause submitted.

At 2:30 p.m., the court recessed. At 2:35 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Hull, Associate Justice.

C050548 LESTER v. BARBOSA CABINETS, INC. et al.

Cause called. Haig Arsen Harris, Jr. argued and Neil S. Turner appeared only for appellant. Robin J. Smith argued for respondents. Cause submitted.

At 3:18 p.m., the court recessed until 9:30 a.m., Friday, October 20, 2006.

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October 18, 2006, continued

**C052390 In re O.C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. FRANKIE C. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Morrison, J.

October 19, 2006

C049686 THE PEOPLE v. WAGENER (Not for Publication)
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Hull, J.

C050300 THE PEOPLE v. KING et al. (Not for Publication)
The judgments are affirmed. The matter is remanded to the trial court with
directions to prepare a corrected abstract of judgment as described in part VII of
the Discussion and to furnish a certified copy of the corrected abstract to the
Department of Corrections and Rehabilitation.
SIMS, J.
We Concur: Scotland, P.J.
Butz, J.

C050432 THE PEOPLE v. PIERSON (Not for Publication)
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Sims, J.

C051267 THE PEOPLE v. NEVOTTI (Not for Publication)
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Raye, J.

C051490 THE PEOPLE v. SMITH (Not for Publication)
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.

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- C051978 THE PEOPLE v. SHOOP (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Sims, Acting P.J.
 Hull, J.
- C050946 ACQUAAH v. STATE WATER RESOURCES CONTROL BOARD (Not for Publication)**
The judgment is affirmed. Defendant is awarded its costs on appeal.
HULL, J.
We Concur: Scotland, P.J.
 Robie, J.
- C051270 COUNTY OF COLUSA v. CALIFORNIA WILDLIFE CONSERVATION BOARD et al. (Not for Publication)**
The judgment awarding respondent County its attorney fees is affirmed. Costs on appeal are awarded to respondent. (Cal. Rules of Court, rule 27 (a).)
CANTIL-SAKAUYE, J.
We Concur: Raye, Acting P.J.
 Robie, J.
- C051575 LOPEZ et al. v. DODD (Not for Publication)**
The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
 Sims, J.
- C051500 THE PEOPLE v. BURTON**
BY THE COURT:
Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

October 20, 2006

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Raye, Associate Justice; Cantil-Sakauye, Associate Justice; and bailiff, Harper.

- C049298 THE PEOPLE v. COLE**
Cause called. Maribeth Halloran, court appointed counsel, argued for appellant. Robert C. Nash, Deputy Attorney General, argued for respondent. Cause submitted.

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At 9:51 a.m., the court recessed. At 9:57 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

C048078 THE PEOPLE v. MITCHELL

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Barton Bowers, Deputy Attorney General, argued for respondent. Cause submitted.

C050080 THE PEOPLE v. SANDOVAL

Cause called. Madeline McDowell, court appointed counsel, argued for appellant. Robert C. Nash, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

C049917 BENT v. RIVERGATE COMMONS et al.

Cause called. Edward Bent argued In Pro Per as appellant. Gary A. Watt argued and Lyn D. Tadlock appeared only for respondents. Cause submitted.

C051495 CHRISTOPHERSON v. HAM et al.

Cause called. No appearance was made by appellant. David S. Yost argued for respondents. Cause submitted.

At 2:06 p.m., the court recessed. At 2:10 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Butz, Associate Justice.

C050333 SICKLE et al. v. DOSANJH et al.

Cause called. Dugan Barr argued for appellants. Peter J. Hirsig argued for respondents. Cause submitted.

At 2:34 p.m., the court recessed until 9:30 a.m., Monday, October 23, 2006.

C048545 THE PEOPLE v. SANTAMARIA

(Not for Publication)

The judgment is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.
Butz, J.

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- C049290 THE PEOPLE v. TROTTER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C049987 THE PEOPLE v. BECKER (Not for Publication)**
Defendant's appeal as it relates to the trial court's acceptance of his plea is dismissed... The trial court is further directed to prepare an amended abstract of judgment and to forward a certified copy of the abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.
- C050937 THE PEOPLE v. SMITH (Not for Publication)**
The order denying the motion is affirmed.
ROBIE, J.
We Concur: Raye, Acting P.J.
 Morrison, J.
- C051221 THE PEOPLE v. CHRISTIAN (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
 Nicholson, J.
- C051762 THE PEOPLE v. JOHNSON (Not for Publication)**
The appeal is dismissed.
ROBIE, J.
We Concur: Scotland, P.J.
 Blease, J.
- C051880 THE PEOPLE v. LOGIUDICE IV. (Not for Publication)**
The judgment is affirmed. The trial court is ordered to correct the abstract of judgment, as discussed in the opinion, and forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.
SIMS, J.
We Concur: Blease, Acting P.J.
 Butz, J.

